

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**COALSALES II, LLC, a Delaware
Limited Liability Company,**

Plaintiff,

v.

**GULF POWER COMPANY, a Florida
Corporation,**

Defendant.

Case No. 06-cv-488-DRH

ORDER

HERNDON, District Judge:

Before the Court is defendant Gulf Power Company's Motion for Leave to Supplement its Motion to Dismiss or in the Alternative to Transfer (Doc. 19). In the instant Motion, Defendant seeks leave to supplement the above-referenced Motion to Dismiss with a letter, dated October 11, 2006, from Richard Whiting, Plaintiff's President, to Defendant (attached as Exhibit A). Defendant believes the letter to be directly relevant to a determination of whether Defendant's Motion to Dismiss arguments should prevail. The Court notes that this letter was dated subsequent to the date Defendant's Motion to Dismiss (Doc. 11) was filed and therefore, Defendant was unable to include it at that time as an exhibit.

Accordingly, without making any finding as to the relevancy of the letter or the validity of Defendant's arguments in its dispositive motion, the Court **GRANTS**

Defendant's Motion for Leave (Doc. 19). As such, Defendant is allowed leave to file the referenced letter (attached as Exhibit A to Doc. 19) as a supplement to its Motion to Dismiss (Doc. 11). Defendant shall file such supplement by **November 2, 2006**.

IT IS SO ORDERED.

Signed this 24th day of October, 2006.

/s/ David RHerndon
United States District Judge